



December 11, 2009

Mr. Eddie Lin
Air Quality Division, MC-206
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

**RE: Response to Request for Comments
Chapter 115 Degassing Rule Revisions**

Mr. Lin:

Texas Waterways Operators Association (TWOA) is comprised of numerous marine vessel operators including harbor tug vessels, inland marine towing vessels, and barge operators. Our members represent an essential component to the economic stability of the Houston/Galveston and Beaumont/Port Arthur areas in that we provide cargo transportation for approximately 90% of the commodities shipped in inland liquid tank barges in these areas each year. Our membership includes inland marine industry representatives from companies operating marine vessels in the Ports of Houston, Beaumont, and Port Arthur and providing navigational assistance and cargo transportation along the Houston ship channel and Intracoastal Waterway from Brownsville to the Texas/Louisiana state line. Historically, TWOA and its members have proactively worked with TCEQ in making voluntary NOx emission reductions and in developing best management practices for reducing VOC fugitive emissions from tank barges. While we appreciate the opportunity to again work with TCEQ in improving air quality in the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas, we are concerned that the proposed revisions to the degassing rules in 30 TAC Chapter 115, Subchapter F do not



account for the unique issues associated with the inland marine industry, specifically tank barge cleaning and degassing.

Specifically, please consider the following:

1. The design of tank barges and the method of cleaning and degassing the individual tank compartments are such that a revision requiring concentration measurements to be taken at specific locations in the tanks is not possible. Tank barge designs over the past 30 years vary significantly, and the vent system on many barges does not allow for specific measurement locations within the tank compartments. Construction of tank barges is specifically regulated by the U.S. Coast Guard. Vessel design and construction is preempted under federal law as these vessels are engaged in maritime interstate commerce. It is not reasonable to expect tank barge operators to retrofit the hundreds or thousands of tank barges in their fleets, having to use using a variety of engineering designs and solutions to account for differing barge designs, to allow for measuring concentrations at specific locations in each tank compartment to comply with a specific state standard when the vessel may call in the area once or on an infrequent basis.

Should such a revision be approved, the cost to our tank barge members for equipment retrofit would be such that they would be forced to seek degassing and cleaning services outside the affected areas. In addition to the legal issues noted above, the following additional problems are likely to be created:

- Significant processing impact to refining and chemical plant facilities that use marine transportation. Barges would have to be moved 100 miles or more each



way to Corpus Christi or other locations along the Intracoastal Waterway for cleaning. Even when empty, tank barges are not transported at speeds greater than 5-6 mph, which means delays of several days or weeks to an entire cargo transportation industry that currently provides continuous uninterrupted service.

- Increased marine traffic congestion at cleaning facilities outside the affected areas.
 - Significant job losses in the affected areas due to a lack of business for some shipyards, cleaning facilities, dock and fleeting operators, and refining/chemical manufacturing facility docks.
 - Potential negative environmental impact to State air quality resulting from significantly increased cleaning and degassing activities in areas with less restrictive emissions control requirements.
2. Concerning the proposal to require notification to the TCEQ Region Office prior to conducting degassing activities, the marine vessel degassing capacity from all degassing facilities and service providers in the Houston ship channel area alone is such that the number of notifications to Region 12 would exceed 4,000 per year. Furthermore, several facilities in the upper ship channel area are authorized under NSR permits to conduct marine vessel degassing as the primary operation of the facility, and the degassing control methods, ambient air quality concentrations, hourly and annual emissions, as well as the specific chemicals emitted, have all been previously reviewed and approved. These facilities should not be burdened with additional notification requirements, when the Region is already aware of the



frequency and method of vessel degassing, chemicals emitted, and total impact to the area from these permitted facilities.

3. The scope of the proposed revisions also mentions implementing a performance test frequency for control devices. A one-time test may be effective for previously untested portable equipment, but stationary facilities that operate a control device under a NSR permit authorization should not have to repeatedly test the device for control efficiency demonstration purposes. The financial impact from the cost of testing and from loss of processing time does not justify the minimal benefit to the environment, if any. Performance tests are completed at conditions that represent the maximum capability of the control device, and as long as operators have tested the equipment and operate at less than or equal to the conditions of the test, there should not be any redundant testing required.

TWOA is willing to answer any follow up questions you may have concerning the above issues. If further discussion concerning the issues the marine industry is facing from the proposed rule revisions would be helpful, we would be happy to host you and your staff at our next Environmental Committee meeting. Please feel free to contact me (713) 435-1311 or at email address Morgan.johnson@kirbycorp.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Johnson", written in a cursive style.

Morgan Johnson, PE
Environmental Committee Chair
Texas Waterways Operators Association